

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 08-0499

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DAVID W. GUNDERSON,

Defendant and Appellant.

FILED

FEB 24 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

Joslyn Hunt, counsel of record for Defendant and Appellant, respectfully requests an extension of time until March 12, 2010, in which to prepare, file, and serve the Appellant's reply brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 24th day of February, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: *Joslyn Hunt*
JOSELYN HUNT
Chief Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as the Chief Appellate Defender.

2. In my capacity as Chief Appellate Defender, I previously assigned Assistant Appellate Defender Taryn Stampfl Hart to handle the above-entitled matter. However, I have now assumed responsibility over Appellant's case.

3. Appellant's reply brief was first due on February 12, 2010. Appellant requested and was granted one extension. His brief is currently due on February 26, 2010.

4. I am preparing for oral argument that is scheduled on February 24, 2010. I also just completed and filed a thorough response to a petition to have the Office of the State Public Defender removed based on a perceived conflict of interest.

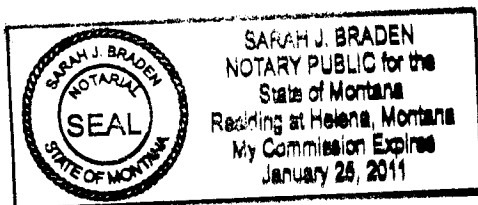
5. In order to ensure the most thorough review of Appellant's case file and to give Appellant adequate time to review his draft and discuss the draft with

me, I need an additional 14 days within which to prepare, file, and serve Appellant's reply brief.

6. I will work diligently to complete the matter in the time requested.
7. Opposing counsel has been contacted concerning this motion and does not object.
8. Further your affiant sayeth naught.

Joselyn Hunt
JOSLYN HUNT

SUBSCRIBED AND SWORN to before me this 24th day of February, 2010.



Sarah J. Braden
Sarah J. Braden

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
TAMMY K PLUBELL
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

DENNIS PAXINOS
Yellowstone County Attorney
P.O. Box 35025
Billings, MT 59107-5025

DAVID W. GUNDERSON 11820
Great Falls Regional Prison
3800 Ulm North Frontage Road
Great Falls, MT 59404

DATED: _____

2/24/2010 